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Superior Court of California, County of San Diego
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Attorneys for Defendant, The Honorable David Rubin, Judge of the Superior Court
of California, County of San Diego

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RAYMOND ROBINSON,

Plaintiff,

v.

DAVID RUBIN AND BRIAN
CORNELL,

Defendants.

Case No. 08-CV-0244 W (BLM)

DECLARATION IN SUPPORT OF
REQUEST FOR JUDICIAL NOTICE
ON DEFENDANT JUDGE RUBIN'S
MOTION TO DISMISS THE
COMPLAINT WITH PREJUDICE

**[No Oral Argument Pursuant to Civil
Local Rule 7.1(d.1)]**

Date : April 1, 2008

Time : 10:30 a.m.

Crtrm : 7 (3rd Floor)

Judge : The Hon. Thomas J. Whelan

1. I am a licensed attorney employed by the Superior Court of California, County of San Diego ("California Court"). I am licensed to practice law in the State of California and have also been admitted to practice before the Courts of Appeals for the Ninth and the Federal Circuits, and before the Southern, Central and Eastern Districts of California. I have personal knowledge of the matters stated herein and if called as a witness, I would competently testify thereto.

2. Attached to the Request for Judicial Notice as Exhibit A is a true and correct copy of the following document: Engrossed Settled Statement on Appeal

1 filed July 14, 2007, in *People of the State of California v. Raymond Robinson*,
2 California Court Case No. Y337174, Appellate Division No. CA206475;

3 3. Attached to the Request for Judicial Notice is a true and correct copy
4 of Exhibit B: Appellant's Opening Brief on Appeal signed September 11, 2007, in
5 *People of the State of California v. Raymond Robinson*, California Court Case No.
6 Y337174, Appellate Division No. CA206475;

7 4. Attached to the Request for Judicial Notice is a true and correct copy
8 of Exhibit C: Respondent's Brief on Appeal filed September 28, 2007, in *People*
9 *of the State of California v. Raymond Robinson*, California Court Case No.
10 Y337174, Appellate Division No. CA206475;

11 5. Attached to the Request for Judicial Notice is a true and correct copy
12 of Exhibit D: Order dated January 18, 2008, in *People of the State of California v.*
13 *Raymond Robinson*, California Court Case No. Y337174, Appellate Division No.
14 CA206475;

15 6. Attached to the Request for Judicial Notice is a true and correct copy
16 of Exhibit E: Remittitur filed February 5, 2008, in *People of the State of*
17 *California v. Raymond Robinson*, California Court Case No. Y337174, Appellate
18 Division No. CA206475;

19 7. Attached to the Request for Judicial Notice is a true and correct copy
20 of Exhibit F: Complaint filed February 7, 2008, in *Raymond Robinson v. David*
21 *Rubin and Brian Cornell*, U.S. Dist. Ct., So Dist. Cal., 08-CV-0244 W (BLM).

22
23 I declare under penalty of perjury that the foregoing is true and correct.
24 Executed this 28th day of February 2008, in San Diego, California.

25
26 s/ Cheryl L. Brierton
27 CHERYL L. BRIERTON, Litigation Attorney
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